

LUMUS CONSTRUCTION INC.

CONTRACT NO. V523C-1210

VABCA-6884-6885

VA MEDICAL CENTER  
BOSTON, MASSACHUSETTS

*Lewis R. Lear, Esq.*, City, Hayes, Meagher & Dissette, Boston, Massachusetts,  
for the Appellant.

*Kenneth B. MacKenzie, Esq.*, Trial Attorney; *Charlma J. Quarles, Esq.*, Deputy  
Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General  
Counsel, Washington, D.C., for the Department of Veterans Affairs.

### **ORDER DISMISSING APPEALS WITHOUT PREJUDICE**

1. On May 31, 2002, the Government submitted a MOTION TO DISMISS FOR LACK OF JURISDICTION. On September 12, 2002, the Board received Appellant's MOTION TO DISMISS WITHOUT PREJUDICE. Appellant states that "...it appears that the settlement discussions may be more protracted than initially anticipated, and judicial economy suggests that it would be prudent to dismiss the appeals without prejudice...". Appellant represents that the Government has no objection. Accordingly, this request is GRANTED.
2. Accordingly, the appeals of Lumus Construction, Inc., VABCA-6884-6885, are hereby Dismissed Without Prejudice pursuant to Rule 30.

3. Either party may move at any time within three years to reinstate this appeal to the active docket provided it simultaneously furnishes the Board a proposed schedule for bringing the matter to hearing. Should Appellant seek to reinstate the appeals it must also simultaneously furnish the Board with a response to the Government's Motion to Dismiss.

**IT IS SO ORDERED**

DATE: **September 13, 2002**

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GUY H. MCMICHAEL III  
Chief Administrative Judge